

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ORLANDUS CALHOUN,

Plaintiff,

v.

Case No. 21-10476

HEIDI WASHINGTON, *et al.*,

Defendants.

**OPINION AND ORDER DENYING PLAINTIFF'S MOTION TO ADD PLAINTIFFS,
DENYING ABDUL AL-SHIMARY'S MOTION FOR EMERGENCY RELIEF, AND
DENYING ABDUL AL-SHIMARY'S MOTION TO PROCEED**

Plaintiff Orlandus Calhoun brings this prisoner civil rights action under 42 U.S.C. § 1983, claiming that officials at the Michigan Department of Corrections ("MDOC") failed to take adequate steps to protect him from the Coronavirus Disease ("COVID-19").

When Plaintiff's complaint was originally filed, fifty-five other prisoners under the custody of MDOC were named as plaintiffs. (ECF No. 1.) Because of the unique difficulties presented by multi-plaintiff prisoner litigation, on April 13, 2021, the court severed the claims of the other fifty-five prisoners and dismissed their claims without prejudice. (ECF No. 29.)

On April 6, 2021, before the court issued its opinion dismissing prisoners other than Calhoun without prejudice, Calhoun mailed a "Motion to Add Plaintiffs." (ECF No. 49.) The court received the motion on April 27, 2021, after the April 13 opinion was issued. Plaintiff Calhoun states that thirteen other state prisoners "have the same civil

complaints” as he does, and he asks that the court add the prisoners as plaintiffs in this suit. (*Id.*, PageID.233.)

The court has already determined that Plaintiff Calhoun must in this case proceed on his own due to the numerous challenges presented by multi-plaintiff prisoner litigation. (See ECF No. 29.) As the court explained in its April 13 opinion, in multi-plaintiff prisoner litigation, among other issues, prisoners are likely to be prejudiced by other prisoners’ claims being delayed due to administrative filing deficiencies, prisoners often fail to sign documents as required by Federal Rule of Civil Procedure 11(a), prisoners commonly sign on behalf of other prisoners in violation of Rule 11(a), and documents are at risk of being improperly altered as they change hands in prison. (*Id.*, PageID.148-52.) Because the court decided on April 13 that prisoners other than Plaintiff Calhoun must be severed from the instant lawsuit, the court will deny Plaintiff’s request to add prisoners as new plaintiffs.

On March 23, 2021, Abdul Al-Shimary, a former plaintiff in this action, mailed a motion to proceed “without all other plaintiffs.” (ECF No. 19, PageID.69.) He also mailed a “Motion for Emergency Relief” on March 30, 2021. (ECF No. 28.) Al-Shimary asks that the court order state prison officials to provide certain services to prisoners, including “[p]rovid[ing] each inmate . . . 2 bars of hand soap” and “cleaning . . . all surfaces shared by inmates.” (*Id.*, PageID.143-45.)

The court dismissed Al-Shimary from this action without prejudice on April 13. (See ECF No. 29.) He is now free to pursue his civil rights claims in a lawsuit “without all other plaintiffs.” (ECF No. 19, PageID.69.) If Al-Shimary brings a separate lawsuit, he can refile his “Motion for Emergency Relief” before the appropriate court. (See ECF No.

28, PageID.143-45.) Because the court no longer presides over Al-Shimary's claims, his pending motions will be denied. Accordingly,

IT IS ORDERED that Plaintiff Calhoun's "Motion to Add Plaintiffs" (ECF No. 49) is DENIED.

IT IS FURTHER ORDERED that Al-Shimary's "Motion to Proceed" (ECF No. 19) is DENIED.

Finally, IT IS ORDERED that Al-Shimary's "Motion for Emergency Relief" (ECF No. 28) is DENIED.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 20, 2021

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 20, 2021, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522

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